HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.11997 of 2007

Between:

P. Suresh Babu …Petitioner

And

Dr. K.V.P. Ramachandra Rao and others. … Respondents

:: O R D E R ::

Counsel for the petitioner : Sri N.B. Sudarshan

25th June, 2007

Per G.S. Singhvi, C.J.

Petitioner – P. Suresh Babu, who is engaged in the manufacture of Mangalore Tiles and has described himself as a regular user of the buses of the Andhra Pradesh State Road Transport Corporation (APSRTC), has filed this petition in the name of public interest litigation for declaring the action of the respondents in procuring buses etc. on hire from outside the State as illegal and to restrain them from purchasing buses etc. from outside the State.

In the writ affidavit and additional affidavit dated 19-6-2007 filed by him, the petitioner claims to have met the Chief Minister, Dr. Y.S. Rajasekhara Reddy and other functionaries of the State Government including the respondents and made representations dated 9-6-2005 and 21-6-2005 for running of APSRTC buses on profitable basis. He has referred to the alleged losses suffered by APSRTC on account of several malpractices, mismanagement and lack of fuel efficiency.

According to the petitioner, APSRTC has been buying Ashok Leyland and Tata buses by paying higher prices compared to Swaraj Mazda and Eicher and complained that despite making several representations, the respondents have not taken remedial measures. Paragraphs 13 and 14 of the writ affidavit, in which the petitioner has given the figures of the alleged losses incurred by APSRTC, read as under:

"**13**. I submit that I had apprised the above respondents about the losses incurred by APSRTC over several years due to mismanagement, acts of omissions and commissions. I had brought to the notice of the respondents through my letters and my lawyer's notices dated 8-8-2005 and 28-10-2006. The losses are projected hereunder:

1. Losses arising from higher consumption of diesel are to the tune of Rs.30353400000/- (Rupees Three Thousand Thirty Five Crores and Thirty Four Lakhs only) till September, 2006. It includes the losses from 1990 to 2004 which are to the tune of Rs.23473800000/- (Rupees Two Thousand Three Hundred Forty Seven Crores and Thirty Eight Thousand only) and addition of further loss of Rs.6879600000/- (Rupees Six Hundred Eighty Seven and Ninety Six Lakhs only) pertaining to the plying of 13000 buses since 2005 to September 2006.

2. Losses arising from hire buses till September 2006 are Rs.25987500000/- (Rupees Two Thousand Five Hundred Ninety Eight Crores and Seventy Five Lakhs only). It includes the losses incurred in the years from 1986 to 1999 which is to the tune of Rs.9878400000/- (Rupees Nine Hundred Eighty Seven Crores and Eighty Four Lakhs only) pertaining to 800 buses taken on hire. In the year 2000 there was a loss of Rs.1512000000/- (Rupees One Hundred Fifty One Crores and Twenty Lakhs only) pertaining to 1500 buses. From the year 2001 to 2004 the loses are to the tune of Rs.7257600000/- (Rupees Seven Hundred Twenty Five Crores and Seventy Six Lakhs only) pertaining to 1600 buses plying on various routes. From the year 2000 to 2004, the losses are to the tune of Rs.2268000000/- (Rupees Two Hundred and Twenty Six Crores and Eighty Lakhs only) pertaining to 400 city hire buses and from the year 2005 to September 2006 the loss is of Rs.3969000000/- (Rupees Three Hundred Ninety Six Cores and Ninety Lakhs only) pertaining to 1800 buses plying on various routes and the loss of Rs.1102500000/- (Rupees One Hundred Ten Crores and Twenty Five Lakhs only) pertaining to 500 city hire buses.

3. Losses arising from higher rates for Chassis purchase of bus body building etc. till September 2006 are Rs.5560000000/- (Rupees Five Hundred Fifty Six Crores only).

4. Losses arising from higher rates of purchaser of Tyres, Tubes, spare parts etc. till September 2006 Rs.2000000000/- (Rupees Two Hundred

Crores only).

Grand Total : Rs.63900900000/- (Rupees Six Thousand Three Hundred Ninety Crores and Nine Lakhs).

14. I submit that APSRTC prefers buying buses from Ashok Leyland and Tata who charge much more than the other manufacturers. I submit that for example a chassis pertaining to 40 seater bus is purchased from Ashok Leyland and Tata, the cost would be Rs.898743/- (Rupees Eight Lakhs Ninety Eight Thousand Seven Hundred Forty Three only) and Rs.7772800/- (Rupees Seven Lakhs Seventy Two Thousand Eight Hundred only) respectively excluding the bus building charges of RS.1082000/- (Rupees Ten Lakhs Eighty Two Thousand only). I further submit that if APSRTC chooses to purchase from Swaraj Mazda and Eicher, it can have a bus on road for Rs.972274/- (Rupees Nine Lakhs Seventy Two Thousand Two Hundred Seventy Four only) and Rs.985000/- (Rupees Nine Lakhs Eighty Five Thousand only) respectively."

We have heard Sri N.B. Sudarshan and scrutinised the record. Though the petitioner has tried to project himself as a champion of public interest and has provided numerical statistics to suggest that the policy being following by the State Government and APSRTC in the purchase of buses and running the services is not conducive to public finances and revenue, but we have not felt convinced. The figures of the losses allegedly incurred by APSRTC are largely based on the imaginary calculations made by the petitioner and are not supported by any research-based study conducted by an expert body. Even the legal notices sent by the petitioner through his advocate are not supported by any research on the subject. Therefore, we do not deem it necessary and proper to direct a fishing and roving enquiry in the matter.

The petitioner's assertion that APSRTC is paying higher prices for the buses of Ashok Leyland and Tata and that purchase of vehicles manufactured by Swaraj Mazda etc. would be profitable, gives an impression that he is more interested in espousing the cause of some automobile manufacturers.

What type of vehicle would suit the requirement of the public and would meet the standard of safety apart from fuel efficiency is a policy matter on which the experts are supposed to decide. This Court

neither has the expertise nor the equipment and apparatus to decide on such technical issues, which largely lie in the realm of policies to be framed by the public authorities.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, C.J.

25th June, 2007

C.V. NAGARJUNA REDDY, J.

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